

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED _____
JOHN LEVIN, M.D.,	:	VIOLATION:
HELEN OSBORN	:	21 U.S.C. § 846
	:	(Conspiracy to distribute controlled substances-1 count)
	:	21 U.S.C. § 841(a)(1)
	:	(Distribution of controlled substances-1 count)
	:	21 U.S.C. § 843(a)(3)
	:	(Acquiring or obtaining possession of controlled substances by misrepresentation, fraud, forgery, deception or subterfuge-1 count)
	:	18 U.S.C. § 1347
	:	(Health care fraud-1 count)
	:	18 U.S.C. § 2
	:	(Aiding and abetting)
	:	Notice of Forfeiture

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At times material to this Information:

1. Defendant **JOHN LEVIN, M.D.**, was a medical doctor licensed to practice medicine by the Commonwealth of Pennsylvania.
2. Defendant **HELEN OSBORN** was an employee of defendant **JOHN LEVIN** at his medical office located at 16th Street and Girard Avenue in Philadelphia, PA.
3. Federal law regulates the dispensing of substances which are listed as “controlled substances” on federally-established schedules.

4. Controlled substances may be dispensed to an ultimate user by, or pursuant to, the lawful order of an authorized medical practitioner (a prescription). An ultimate user is defined as a person who has lawfully obtained, and who possesses a controlled substance for his own use.

5. A prescription for a controlled substance must be issued for a legitimate purpose by a medical practitioner acting in the usual course of his professional practice. An order purporting to be a prescription, issued neither in the usual course of professional treatment nor for legitimate and authorized research, is not a prescription within the meaning and intent of federal law.

6. A prescription may not be issued in order for an individual practitioner to obtain controlled substances for supplying the individual practitioner for the purpose of general dispensing to patients.

7. On or about February 1, 2001, at Philadelphia, in the Eastern District of Pennsylvania, defendants

**JOHN LEVIN and
HELEN OSBORN**

conspired and agreed together and with others known and unknown to the United States Attorney, to knowingly, intentionally, and without a legitimate medical purpose and outside the usual course of professional practice, distribute 400 pills of Oxycontin, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841.

MANNER AND MEANS

8. It was part of the conspiracy that defendants **JOHN LEVIN** and **HELEN OSBORN** used defendant **JOHN LEVIN**'s medical office located at 16th Street and Girard Avenue, Philadelphia, to count and package Oxycontin pills for unlawful distribution.

9. It was further part of the conspiracy that defendant **JOHN LEVIN** met with and negotiated a financial arrangement, including a percentage split of profits, with an undercover detective for the illegal distribution of Oxycontin pills. Defendant **JOHN LEVIN** was responsible for collecting the money from the undercover detective, and defendant **HELEN OSBORN** assisted defendant **JOHN LEVIN** in counting and packaging the Oxycontin pills.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its object and purpose, the following overt acts were performed on or about February 1, 2001 at Philadelphia, in the Eastern District of Pennsylvania:

1. Defendant **JOHN LEVIN** met with a customer, an undercover law enforcement officer, at his office located at 16th Street and Girard Avenue in Philadelphia.
2. Defendants **JOHN LEVIN** and **HELEN OSBORN** counted out 200 Oxycontin pills and distributed those pills to the undercover officer.
3. Defendant **JOHN LEVIN** accepted \$2,800.00 pre-recorded funds as payment for the 200 Oxycontin pills.
4. Defendant **JOHN LEVIN** again met with the undercover officer and later distributed an additional 200 Oxycontin pills to the undercover officer.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE UNITED STATES ATTORNEY CHARGES THAT:

1. On or about February 1, 2001, at Philadelphia, in the Eastern District of Pennsylvania, defendant

JOHN LEVIN

knowingly and intentionally distributed, and aided and abetted the distribution of approximately 400 pills of Oxycontin, a Schedule II controlled substance, without a legitimate medical purpose and outside the usual course of professional practice, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT THREE

THE UNITED STATES ATTORNEY CHARGES THAT:

1. The allegations contained in paragraphs 1 through 6 in Count 1 are incorporated here.

2. In furtherance of his scheme to defraud insurance companies, defendant **JOHN LEVIN** wrote prescriptions for Oxycontin, a Schedule II controlled substance, for patients knowing that these prescriptions were not medically necessary and that the patients would not take the pills.

3. Defendant **JOHN LEVIN** instructed these patients to: (a) present the Oxycontin prescription to a local pharmacy; (b) obtain the Oxycontin from the pharmacist; (c) pay for the Oxycontin pills by using their insurance benefits; and (d) deliver the Oxycontin back to defendant **JOHN LEVIN** for dispensing to other patients.

4. From on or about July 1999, to until or about February 2001, in the Eastern District of Pennsylvania, defendant

JOHN LEVIN

knowingly and willfully executed a scheme and artifice to defraud a health care benefit program, that is, Keystone Mercy Health Plan, Independence Blue Cross, and Health Partners, and to obtain money and property owned by and under the custody and control of those health care benefit programs, by means of false and fraudulent pretenses, representations, and promises, in connection with the delivery of, and payment for, health care benefits, items and services, by causing to be submitted by his patients fraudulent health care insurance claims for Oxycontin pills that were prescribed by the defendant outside the usual course of professional practice and

without a legitimate medical purpose, in the approximate amount of Forty-Two Thousand, Eight Hundred and Forty-Four Dollars and Nineteen Cents (\$42,844.19).

In violation of Title 18, United States Code, Section 1347.

COUNT FOUR

THE UNITED STATES ATTORNEY CHARGES THAT:

1. The allegations contained in paragraphs 1 through 3 in Count 3 are incorporated here.
2. From about July 1999, to until or about February 2001, in the Eastern District of Pennsylvania, defendant

JOHN LEVIN

knowingly and intentionally acquired, and obtained possession by misrepresentation, fraud, forgery, deception, and subterfuge, Oxycontin, a Schedule II controlled substance, that is, approximately 13,047 Oxycontin pills.

In violation of Title 21, United States Code, Section 843(a)(3).

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846, 841(a)(1) and 843(a)(3), and Title 18, United States Code, Section 1347, set forth in Counts 1 through 4 of this Information, defendant

JOHN LEVIN

shall forfeit to the United States of America:

(a) any property constituting, or derived from, any proceeds obtained directly or indirectly and any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of, and as the result of, the violations of Title 21, United States Code, and Title 18, United States Code, as charged in this Information, including, but not limited to, the sum of \$42,844.19.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 18, United States Code, Section 982, to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853 and Title 18, United States Code, Section 982.

PATRICK L. MEEHAN
United States Attorney